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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/646,918 | 08/22/2003 | Young-Se Kim | 678-1252 | 1945 |
| 28249 | 7590 | 01/25/2006 | EXAMINER | |
| DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553 | | | NGUYEN, HUY D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2681 | |

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,918

Applicant(s)

KIM, YOUNG-SE

Examiner

Huy D. Nguyen

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-6 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

In response to applicant's argument that there is no suggestion to modify the reference, the examiner recognizes that obviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious in the knowledge generally available to one of ordinary skill in the art to include a keyboard on the second lid in order to have space for more functional keys or to transfer some of the keys from KB1 to the SL2 so that the keys can be made bigger for user convenience. Further, it has been held that duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eromaki et al. (U.S. Patent No. 6,748,249).

Regarding claims 1 and 6, Eromaki et al. teaches a portable digital communication device comprising: a main housing provided with a display unit (e.g., DPL1 – see figures 2, 4-5) on a top surface thereof; a first key pad (e.g., KB1 – see figures 2, 5) being capable of sliding on the top surface of the main housing in a first direction relative to the display unit so as to open and close a first side of the display unit; and a lid (e.g., SL2) being capable of sliding on the top surface of the main housing in a second direction relative to the display unit so as to open and close a second side of the display unit and being capable of sliding toward and away from the first key pad. Eromaki et al. does not teach that the second lid includes a keyboard. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a keyboard on the second lid in order to have space for more functional keys or to transfer some of the keys from KB1 to the SL2 so that the keys can be made bigger for user convenience.

Regarding claim 2, Eromaki et al. teaches the portable digital communication device according to claim 1, wherein the display unit is located in an intermediate portion of the top surface of the main housing (see figures 2-12).

Regarding claim 5, Eromaki et al. teaches the portable digital communication device according to claim 1, wherein the first key pad further comprises a microphone on the top surface thereof, and the second key pad is provided with a speaker on the top surface thereof (see column 2, lines 56-58).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eromaki et al. (U.S. Patent No. 6,748,249) in view of Humphreys et al. (US 2003/0143961 A1).

Regarding claim 3, Eromaki et al. teaches the claimed invention except the main housing comprises: at least one functional key located on a side surface thereof; a headphone jack and a volume adjusting button mounted on a side surface thereof; and a battery pack disposed on a bottom surface thereof. However, the preceding limitations are taught in Humphreys et al. (see figure 1 and paragraphs [0028], [0029]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Humphreys et al. to the teaching of Eromaki et al. in order to save space on the top and bottom surface for other functional keys.

Allowable Subject Matter

4. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 4, Miyake et al. (US 2002/0065102 A1) teaches a portable telephone that has a cylindrical lens housing and a shutter, the cylindrical lens housing having a camera (paragraphs [0049], [0056]). However, Eromaki et al., Humphreys et al., and Miyake et al., either singularly or in combination, fail to teach that the cylindrical lens housing having a camera lens exposed between a side surface of the main housing and a bottom surface of the main housing, the main housing having a rotation axis which is parallel to and spaced a predetermined distance from a virtual plane on which the first and second key pads linearly move, the camera lens being rotatably mounted between the side surface and the bottom surface.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huy Nguyen



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER